



US EPA Region 5
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604-3590

October 25th, 2018

To whom it may concern:

This is a request for records pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and applicable Environmental Protection Agency (“USEPA”) Regulations, 40 C.F.R. § 2.100, et seq., from the Abrams Environmental Law Clinic at the University of Chicago School of Law (“AELC”) and the Environmental Advocacy Clinic at Northwestern University Pritzker School of Law (“EAC”). The requested records pertain to the USEPA’s actions relating to groundwater at the former site of U.S. Smelter and Lead Refinery, Inc. (“U.S.S. Lead”). The U.S.S. Lead site is assigned CERCLIS ID # IND047030226 (“Site”).

Records Sought

AELC and EAC request all documents relating to any and all actions taken by USEPA relating to groundwater contamination at the former site of U.S.S. Lead since September 20th, 2017 (the date of USEPA’s administrative settlement agreement and order on consent with U.S.S. Lead). “Actions” include, but are not limited to, any and all monitoring, data collection, specific work plans (including future work plans), and research activities done by USEPA at the Site.

“Documents” are defined as any data collected, any analysis conducted on the data, any correspondences regarding the data, and any compilation and explanation of the data analysis.

Request for Fee Waiver

A full fee waiver is requested under 5 U.S.C. § 552(a)(4)(A)(iii) (granting a fee waiver where “disclosure of the information is in the public interest because [the information] is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester”).

The requested records concern “the operations or activities of the government.” 40 C.F.R. 2.107(I)(2)(i). USEPA has the responsibility to take action in conjunction with its counterpart state agencies under a broad range of statutes, including CERCLA, 42 U.S.C. § 9601, et seq. The requested records describe the activities of USEPA in its efforts to study the effects of regional groundwater contamination stemming from the U.S.S. Lead Site.



The requested records are “likely to contribute” to public understanding of the activities described above. 40 C.F.R. 2.107(I)(2)(ii). The Site is a residential zone. Residents who live, work and play near contaminated and potentially contaminated areas will benefit from an understanding of the actions taken by USEPA to alleviate present and potential risks to their community. Specifically, the Abrams Environmental Law Clinic and Environmental Advocacy Clinic together represent a community group (East Chicago Calumet Coalition Advisory Group, or “CAG”) of affected residents in East Chicago. CAG recently received a technical assistance grant (“TAG”) from USEPA to hire a technical advisor to help the community participate in decision-making relating to the clean-up of the Site. The requested records are critically necessary to ensuring that the technical advisor has a complete understanding of the Site and the risks facing the East Chicago community.

The University of Chicago and Northwestern University are not-for-profit, educational organizations in good standing with the Secretary of State of Illinois. The records are not requested in furtherance of any commercial interest. 40 C.F.R. 2.107(I)(3)(i).

If a fee waiver is not granted, please provide the Clinic with an estimate of expenses and hold for approval before proceeding. If access to the requested records is denied, please provide a detailed explanation of the reason for denial.

Conclusion

Please send copies of all requested records by the statutory deadline through email to templeton@uchicago.edu, eesperry@lawclinic.uchicago.edu, and mdunlap@lawclinic.uchicago.edu; or, alternatively, through post to:

Mark Templeton

Emma Sperry

Maia Dunlap

Abrams Environmental Law Clinic

The University of Chicago Law School

1111 E. 60th Street

Chicago, IL 60637

We appreciate your efforts in timely responding to this request. Please do not hesitate to call or email any one of us if you have questions or concerns regarding the requested records.



THE UNIVERSITY OF
CHICAGO

ABRAMS ENVIRONMENTAL LAW CLINIC
OF THE UNIVERSITY OF CHICAGO LAW SCHOOL

Sincerely,

Mark Templeton, Director, Abrams Environmental Law Clinic

Emma Sperry, Member, Abrams Environmental Law Clinic

Maia Dunlap, Member, Abrams Environmental Law Clinic

Abrams Environmental Law Clinic

The University of Chicago Law School

eesperry@lawclinic.uchicago.edu

mdunlap@lawclinic.uchicago.edu

templeton@uchicago.edu

773-702-9611

Debbie Chizewer, Montgomery Foundation Environmental Law Fellow

Environmental Advocacy Clinic

Northwestern Pritzker School of Law

Debbie.m.Chizewer@law.northwestern.edu

THE ARTHUR O. KANE CENTER FOR CLINICAL LEGAL EDUCATION

6020 SOUTH UNIVERSITY AVENUE / CHICAGO, ILLINOIS 60637-2786

(773) 702-9611 / FAX: (773) 702-2063 / www.law.uchicago.edu/mandel